

All grantor
Restaurants
14-3
11-30

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT HARVEST INN RESTAURANT, INC., A Vermont Corporation with principal offices at Manchester in the County of Bennington and State of Vermont, Grantor, in the consideration of ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION, paid to their full satisfaction by BRUROE ENTERPRISES, INC., A Vermont Corporation with principal offices at Manchester in the County of Bennington and State of Vermont, Grantee, by these presents do freely GIVE, GRANT, SELL, CONVEY AND CONFIRM unto the said Grantee, BRUROE ENTERPRISES, INC., a certain piece of land in Manchester in the County of Bennington and State of Vermont more particularly described as follows:

SEE ATTACHED SCHEDULE A

TO HAVE AND TO HOLD said granted premises, with all the privileges and appurtenances thereof, to the said BRUROE ENTERPRISES, INC. to its own use and behoof forever; and the said Grantor, HARVEST INN RESTAURANT, INC. for itself and its heirs and assigns, do covenant with the said Grantee, BRUROE ENTERPRISES, INC., its successors and assigns, that until the ensealing of these presents it is the sole owners of the premises, and have good right and title to convey the same in manner aforesaid, that they are FREE FROM EVERY ENCUMBRANCE; except as may be set forth hereinabove.

The Grantors do hereby engage to WARRANT AND DEFEND the same against all lawful claims whatever,

IN WITNESS WHEREOF, I, Rudolph C. Gutbier, President of Harvest Inn Restaurant, Inc. have hereunto set my hand and seal this 22 day of December, A.D. 1988.

IN PRESENCE OF:

Jane B. Gutbier
FIRST WITNESS

Richard H. Larkin
SECOND WITNESS

HARVEST INN RESTAURANT, INC.

BY: Rudolph C. Gutbier
RUDOLPH C. GUTBIER, PRES.

STATE OF VERMONT,
COUNTY OF BENNINGTON, SS.

At Manchester Center, Vermont this 22 day of December, A.D. 1988, RUDOLPH C. GUTBIER, PRESIDENT OF HARVEST INN RESTAURANT, INC. personally appeared; and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the corporation.

LAW OFFICES OF
CHARLES R. EICHEL
MANCHESTER CENTER, VT.
08259

Before me: [Signature]
NOTARY PUBLIC

SCHEDULE A

HARVEST INN RESTAURANT, INC.

Being all and the same lands and premises conveyed to the Grantor herein by Warranty Deed of Alma H. Gutbier dated July 20, 1970 and recorded July 22, 1970 in Book 61 at Page 263 of the Manchester Land Records, and being more particularly bounded and described as follows:

"Beginning in the easterly boundary line of the right of way for U. S. Route #7 at a point marked by an iron pipe driven into the ground 18 feet 5 inches easterly of the west face of the east curb for U. S. Route #7;

"Thence running through lands of the Grantor S 41° 21' E a distance of 123 feet 6 inches to an iron pipe driven into the ground;

"Thence running through lands of the Grantor S 48° 51' W a distance of 98 feet 10 inches to an iron pipe driven into the ground in the southerly boundary line of lands of the Grantor;

"Thence running along the southerly boundary line of lands of the Grantor S 41° 20' E a distance of 71 feet 10 inches to an iron pipe marking the southeasterly corner of lands of the Grantor;

"Thence running along the easterly boundary line of lands of the Grantor N 50° 54' E a distance of 198 feet to an iron pipe driven into the ground near a marble marker;

"Thence running through lands of the Grantor N 41° 22' W, through an elm tree, a distance of 86 feet 6 inches to a point a few feet southerly of the south end of the easterly face of a retaining wall;

"Thence running through lands of the Grantor, to, along and beyond the retaining wall, N 51° 10' E a distance of 100 feet to a point in the northerly boundary line of lands of the grantor;

"Thence running along the northerly boundary line of lands of the Grantor N 42° 6' W a distance of 112 feet to an iron pipe driven into the ground at the intersection of the northerly boundary line of lands of the Grantor with the easterly boundary line of the right of way for U. S. Route #7; this point being located 18 feet 4 inches easterly of the west face of the east curb of the highway;

"Thence running along the easterly boundary line of the right of way for U. S. Route #7 S 51° 10' W a distance of 198

feet to the place of beginning.

"Meaning and intending hereby to convey a portion of the premises shown on a map prepared by Charles H. Grant, dated November 10, 1963, and filed in the Town Clerk's office in Manchester, Vermont. The premises herein conveyed comprises all of "Parcel #1" as shown on that map, all of "Parcel #4" and the westerly portions of "Parcel #2" and "Parcel #3".

"The premises herein conveyed also comprises: a) all of the premises conveyed to Rudolph Gutbier and Alma H. Gutbier by Warranty Deed of Olive Touchette dated January 23, 1948, and recorded at Page 421 in Book 45 of the Manchester Land Records; b) the easterly portion of the premises conveyed to the same Grantees by Warranty Deed of Adam and Grace Berg dated November 9, 1962, and recorded at Page 507 in Book 54 of the Manchester Land Records; c) the westerly portion of the premises conveyed to the same Grantees by Guardian's Deed of Elmer E. Macdonald dated December 11, 1961, and recorded at Page 118 in Book 54 of the Manchester Land Records; and d) the westerly portion of the premises designated as "Parcel #1" in a deed to the same Grantees executed by William C. Sennett, Guardian unto Annie M. Towsley, dated November 20, 1962, and recorded at Page 514 in Book 54 of the Manchester Land Records.

"There is included in this conveyance whatever right, title and interest the Grantor may have in and to lands lying between the last described boundary line and the center line of the right of way for U. S. Route #7.

There is excepted and excluded from this conveyance all and the same lands and premises conveyed to Robert J. Gutbier and Deborah H. Gutbier by Quit Claim Deed of Harvest Inn Restaurant, Inc. dated June 27, 1975 and recorded July 7, 1975 in Book 71 at Page 27 of the Manchester Land Records, and being more particularly bounded and described therein as follows:

"Reference is made to a Deed from Alma H. Gutbier to Robert J. Gutbier and Deborah H. Gutbier, Grantees herein, dated May 5, 1975 and recorded May 5, 1975 in Book 70 at Page 392. The premises which are conveyed herein is adjacent to Parcel 1 of that Deed and the westerly line of said parcel 1 is the easterly line of the parcel conveyed herein.

"Beginning at a point marked by an iron pipe set in the southwesterly corner of the aforesaid Parcel 1 and being further described as being at the interection (sic) of the westerly line of the aforesaid Parcel 1 with the line which is the southern most line of Harvest Inn Restaurant, Inc. and the northern line of Parcel 2 described in the Deed from Alma H. Gutbier to Robert J. and Deborah H. Gutbier referred to above; north 42° 22" East

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along a westerly line of aforesaid Parcel 1 a distance of 86' more or less to an iron pipe set in the northwesterly corner of the aforesaid Parcel 1; thence south 51° 10" west a distance of 20' to a point; thence south 42° 22" east a distance of 86' more or less to a point in the southern most line of Harvest Inn Restaurant, Inc. which is the northern line of parcel 2 now owned by Robert J. and Deborah H. Gutbier; thence north 50° 54" east along the lines last described a distance of 20' to the point of beginning. Hereby conveying a rectangular parcel of land, 86' long, 20' wide immediately adjacent to the aforesaid Parcel 1."

This conveyance is made subject to a certain Common Easement and Maintenance Agreement conveyed by Harvest Inn Restaurant, Inc. to Rudolph C. Gutbier and June L. Gutbier dated October 4, 1988 and recorded October 11, 1988 in Book 124 at Page 155 of the Manchester Land Records.

Included in this conveyance is a certain Common Easement and Maintenance Agreement conveyed by Robert J. Gutbier and Deborah H. Gutbier to Harvest Inn Restaurant, Inc. dated October 4, 1988 and recorded October 11, 1988 in Book 124 at Page 156 of the Manchester Land Records.

There is excepted and reserved to Robert J. Gutbier and Deborah H. Gutbier, their heirs and assigns forever, a right of way for all purposes of access to the lands of said Robert J. Gutbier and Deborah H. Gutbier lying easterly and southerly of the premises herein conveyed, over a strip of land 50 feet wide extending from Route 7 on the west to the lands of said Robert J. Gutbier and Deborah H. Gutbier, said right of way situated on the northerly end of the property conveyed herein, but not so as to affect the utilization of said northerly portion of the lands of the Grantee for parking by the Grantee herein, it being intended that the northerly line of said 50 foot right of way be adjusted between the parties to both grant free and ready access to the lands of Robert J. Gutbier and Deborah H. Gutbier lying easterly and southerly of the premises herein conveyed and the accommodation and use of the northerly portion of the parcel conveyed herein for parking purposes by the Grantee.

Reference is further had to a certain parking easement granted by Robert J. Gutbier and Deborah H. Gutbier to the Grantee herein for 11 parking spaces situated on the lands of said Robert J. Gutbier and Deborah H. Gutbier and the encroachment on the southerly side of the structure owned by Robert J. Gutbier and Deborah A. Gutbier for the purposes of parking on an area approximately 70 feet by 15 feet by separate document intended to be recorded simultaneously herewith.

This conveyance is made subject to covenants, easement and restrictions of record, if any.

LAW OFFICES OF
CHARLES R. EICHEL
MANCHESTER CENTER, VT.
05255

Vermont Property Transfer Tax 32 V.S.A. Chap. 231

—ACKNOWLEDGMENT—

Return Rec'd.—Tax Paid—Board of Health Cert. Rec'd.—EX #1
Vt. Land Use & Development Plans Act Cert. Rec'd.—EX #B

Notarized by _____
Signed Madeline J. Spencer, Clerk
Date 12/22/1988 Time 4:05 P.M.

Manchester, Vt. Town Clerk's Office
December 22, 1988 at
4 o'clock 25 minutes P M
received for record and recorded in
book 125 on page 200 of
Land Records.
Attest: Madeline J. Spencer
Clerk, Town Clerk